United Nations A/C.3/72/L.47

General Assembly

Distr.: Limited
31 October 2017

Original: English

Seventy-second session
Third Committee
Agenda item 72 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Austria, Belgium, Brazil, Chile, Colombia, Costa Rica, Cyprus, Finland, France, Germany, Hungary, Iceland, Japan, Liechtenstein, Lithuania, Luxembourg, Monaco, Morocco, Panama, Poland, Slovenia, Spain, Switzerland and Ukraine: draft resolution

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also all its other resolutions on the matter, including resolution 70/160 of 17 December 2015, as well as relevant resolutions adopted by the Human Rights Council, including resolution 36/6 of 28 September 2017,[1]

Recalling further its resolution 68/165 of 18 December 2013 on the right to the truth, as well as Human Rights Council resolution 36/7 of 28 September 2017 on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,[1]

Recalling its resolution 71/185 of 19 December 2016 on the human rights treaty body system,

Recalling also that no one shall be subjected to enforced disappearance,

[1] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

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Recalling further that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling that no one shall be held in secret detention,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also that the Convention defines the victim of enforced disappearance as the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance,

Acknowledging that the widespread or systematic practice of enforced disappearance is recognized in the Convention as a crime against humanity, as defined in applicable international law,

Stressing the importance of the work of the Working Group on Enforced or Involuntary Disappearances,

Recalling the high-level meeting of the General Assembly held on 17 February 2017 to commemorate the tenth anniversary of the adoption of the Convention, which provided an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Welcoming the launch by the United Nations High Commissioner for Human Rights of an international campaign for the universal ratification of the Convention,

Acknowledging the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. *Recognizes* the importance of the International Convention for the Protection of All Persons from Enforced Disappearance,[2] the ratification and the implementation of which will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Welcomes* the fact that 97 States have signed the Convention and 57 have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Also welcomes* the most recent reports of the Secretary-General on the status of the Convention;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to increase their intensive efforts to assist States in becoming parties to the Convention, including by supporting the actions of States to ratify the Convention, providing technical and capacity-building assistance to States

[2] United Nations, *Treaty Series*, vol. 2716, No. 48088.

[3] A/71/278 and A/72/280.

and civil society and raising awareness about the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue to make efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the first Conference of States parties held on 19 December 2016 in Geneva, and convened in in accordance with article 27 of the Convention, and the decision adopted by consensus that the Committee continue to monitor the Convention in accordance with its mandate;

7. *Also welcomes* the work achieved by the Committee, and encourages all States parties to the Convention to submit their reports, to support and promote the work of the Committee and to implement its recommendations;

8. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance[4] as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

9. *Welcomes* the cooperation established between the Working Group and the Committee, within the framework of their respective mandates, and encourages further cooperation in the future;

10. *Takes note with interest* of all the general comments of the Working Group, including the most recent comments on children[5] and women[6] affected by enforced disappearances, and recognizes in this regard that enforced disappearances have special consequences for women and vulnerable groups, especially children, as they most often bear the serious economic hardships that usually accompany such disappearances and, when subjected to enforced disappearances themselves, may become particularly vulnerable to sexual and other forms of violence;

11. *Welcomes* the fact that the Committee held its annual meeting with the Working Group, as an opportunity to take stock of the activities of the two parallel organs, which are complementary and reinforce each other within the framework of their respective mandates;

12. *Invites* the Chair of the Committee and the Chair of the Working Group to address and engage in an interactive dialogue with the General Assembly at its seventy-third and seventy-fourth sessions under the item entitled "Promotion and protection of human rights";

13. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the status of the Convention and the implementation of the present resolution;

14. *Decides* to give its full consideration to the subject matter at its seventy-fourth session.

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[4] Resolution 47/133.

[5] A/HRC/WGEID/98/1 and A/HRC/WGEID/98/1/Corr.1.

[6] A/HRC/WGEID/98/2.